REMARKS

The Official Action mailed November 25, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to May 25, 2004. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on January 6, 2000.

The Applicant notes the *partial* consideration of the Information Disclosure Statement filed on August 11, 2003. The Official Action asserts that "[the] IDS of 8/11/03 has been reviewed and made of record" (page 2, Paper No. 21). However, in the "Other Prior Art – Non Patent Literature Documents" section of the Form 1449, the Examiner has crossed through the citation to *Written Notification of Reason for Refusal* and has not provided an explanation on the record to explain why the citation is not in conformance and not considered. The Applicant respectfully submits that the citation of the *Written Notification of Reason for Refusal* fully complies with 37 CFR 1.97 and 1.98. Therefore, the Applicant respectfully requests that the Examiner provide an initialed copy of the attached Form PTO-1449 evidencing consideration of the *Written Notification of Reason for Refusal* originally submitted with the IDS filed August 11, 2003.

Also, the Applicant has not received acknowledgment of the Information Disclosure Statement filed on November 25, 2003. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement filed on November 25, 2003.

Claims 1-7 are pending in the present application, of which claims 1, 4 and 7 are independent. Claims 1, 4, and 7 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1, 4 and 7 as obvious based on the combination of U.S. Patent No. 5,889,747 to Hisamatsu et al. or U.S. Patent No. 5,041,921 to Scheffler and U.S. Patent No. 5,991,440 to Matsubayashi et al. or U.S. Patent No. 4,615,024 to Usui. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Hisamatsu or Scheffler and Matsubayashi or Usui do not teach or suggest all the features of the independent claims. Specifically, neither Hisamatsu nor Scheffler teach or suggest a receiving tuner that receives text broadcasting and outputs received text information and a display that displays the received text information output from the receiving tuner as recited in the independent claims. Therefore, it is impossible for Hisamatsu or Scheffler to teach or suggest that a first key instructs to capture the

received text information. The Official Action appears to be silent as to these features of the present invention, and it does not appear that Hisamatsu or Scheffler teaches or suggests these features.

Moreover, Hisamatsu or Scheffler does not teach or suggest that there is a recording medium on which any music has already been recorded and, that music is selected and then the title of the selected music is inputted to the recording medium. That is, neither Hisamatsu nor Scheffler teach or suggest selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium as recited in the amended independent claims.

Matsubayashi or Usui does not cure the deficiencies in Hisamatsu or Scheffler. The Official Action relies on Matsubayashi or Usui to allegedly teach a save as technique (page 3, Paper No. 21). However, Hisamatsu or Scheffler and Matsubayashi or Usui, either alone or in combination, do not teach or suggest a receiving tuner that receives text broadcasting and outputs received text information, a display that displays the received text information output from the receiving tuner, or selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium.

Since Hisamatsu or Scheffler and Matsubayashi or Usui do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 1, 4 and 7 as obvious based on the combination of U.S. Patent No. 5,479,266 to Young et al. or U.S. Patent No. 5,488,409 to Yuen et al. and Matsubayashi or Usui.

Young or Yuen and Matsubayashi or Usui do not teach or suggest all the features of the independent claims. Specifically, Young also fails to teach or suggest that there is a recording medium on which music has already been recorded, that music is selected and then the title of music is inputted to the recording medium. That is, in

the system of Young, the operation of selecting a target unit of the recording medium to input a title is not performed, as claimed in the present invention.

In Young, an operation of performing an update is described at column 9, lines 6-22. However, in Young it is explained that the virtual tape directory of the off-tape memory is more suitable than the on-tape directory. Therefore, Young is different from the present invention. That is, Young does not teach or suggest that there is a recording medium on which music has already been recorded and that music is selected and then the title of the selected music is inputted to the recording medium.

In Yuen, an operation of "Editing A Program Title" is described at column 56, lines 27-54. In the system of Yuen, the directory is recorded on a vertical blanking interval (VBI) line on the tape or it is stored in RAM 33, depending on a type of tape. On the other hand, at column 56, lines 46-47, the description of "Editing A Program Title" only describes that "[when] the editing is complete, the 'ENTER' key can be pressed so that the new title is stored." Therefore, Yuen does not specify which of a directory on the VBI line or a directory on the RAM 33 is rewritten.

However, as described in "Erasing Programs From The Tape" beginning at column 56, line 4, "In one implementation, the program is not actually erased from the tape, but it is only removed from the directory. The title of the erased program and the time of such erasure are stored in the monitoring date 33c." As such, it appears that only the directory on the RAM 33 is rewritten in the case of editing as well as in the case of erasing.

Therefore, there is no disclosure of any technique of rewriting only the directory on the VBI lines. Also, it would be considerably difficult to rewrite only the VBI line in a video signal.

Accordingly, the rewriting of title in Yuen, which is performed in the RAM 33 is disposed independently from the recording medium (tape) on which music has already been recorded and is distinguished from the present invention. As noted above, in the present invention, the title is written on the recording medium in which music has

already been recorded. Therefore, Young or Yuen and Matsubayashi or Usui do not teach or suggest that there is a recording medium on which music has already been recorded, that music is selected and then the title of music is inputted to the recording medium.

Since Young or Yuen and Matsubayashi or Usui do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

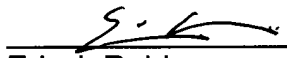
Paragraph 5 of the Official Action rejects claims 2-5 as obvious based on the combination of Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, and JP 03-233670 to Tanosaki or JP 09-146528 to Aida et al.

Tanosaki or Aida does not cure the deficiencies in Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui. The Official Action relies on Tanosaki or Aida to allegedly teach duplicate deletion ability (page 5, Paper No. 21). However, Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, and Tanosaki or Aida, either alone or in combination, do not teach or suggest a receiving tuner that receives text broadcasting and outputs received text information, a display that displays the received text information output from the receiving tuner, selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium, or that music is selected and then the title of music is inputted to the recording medium.

Since Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, either alone or in combination with Tanosaki or Aida do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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